IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH POUSHA 1928

WP(C).No. 34519 of 2006(H)
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PETITIONER:
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PRASAD KALLARACKAL ABRAHAM,
KALARACKAL PUTHEN VEEDU, THAZHAKKARA,
MAVELIKKARA, REP. BY HIS AUTHORISED LEGAL
REPRESENTATIVE, C.O.JOHNY, KALLARAKAL DEVADANAM,
PUTHIYAKAVU, MAVELIKARA.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT:
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MAVELIKKARA MUNICIPALITY,
MUNICIPAL OFFICE, MAVELIKKARA,
REPRESENTED BY THE SECRETARY.

BY ADV. SRI.R.RENJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE,J.**

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W.P.(C)No.34519 of 2006

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Dated: 19th January, 2007

**JUDGMENT**

The petitioner has submitted an application for issuance of a building permit before the respondent-Municipality and his grievance is that the Municipality is not passing early orders on that application.

2. Mr.R.Renjith,Standing Counsel takes notice on behalf of the respondent-Municipality.

3. Mr.R.Krishna Raj, counsel for the petitioner would submit that Ext.P2 application submitted by the brother of the petitioner who was the plaintiff in the Original Suit in which Ext.P1 judgment was passed by the Adalat willl show that the issues in the suit have now resolved between the parties. Therefore, the Municipality is not at all justified in delaying consideration of the permit application.

4. Mr.Renjith would submit that the details of the compromise are not clearly discernible from Ext.P2. Even the suit number is not correctly mentioned in Ext.P2. If the petitioner produces proper documents in support of his claim that he is the owner of the property upon which the building is proposed to be constructed, the Municipality will not have any objection to consider the application. In response to the above submission, Mr.Krishna Raj would submit that the petitioner is having copy of the decree which records the

compromise between the parties and will be prepared to produce the same before the Municipality. Under these circumstances, this Wriit Petition will stand disposed of with the following directions:

The petitioner is directed to produce before the respondent-Municipality all the documents on which he relies in support of his claim of having exclusive ownership over the property over which the building is now proposed to be constructed. The documents as directed above will be produced by him within ten days of his receiving a copy of this judgment and on receiving the documents, the Municipality will take up the application for permit which is referred to in Ext.P3 and pass final orders on that application after hearing the petitioner within another three weeks from the date of production of the documents.

srd **PIUS C.KURIAKOSE, JUDGE**